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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,064	03/12/2004	Keith Clark	7936.002	8436

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EXAMINER

ADDISU, SARA

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/800,064	CLARK, KEITH	
	Examiner	Art Unit	
	Sara Addisu	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9 and 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/28/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 11/28/05. Claims 3, 4, 10 and 11 have been cancelled and claims 12-19 are new claims. Currently claims 1, 2, 5-9 and 12-19 are pending in this application.

Information Disclosure Statement

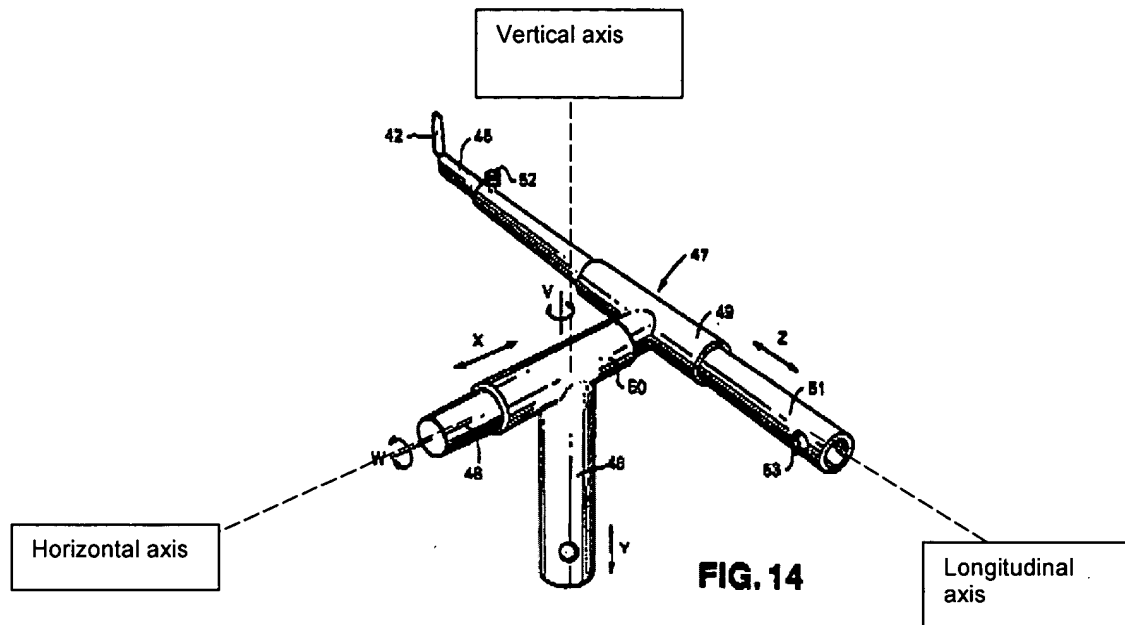
2. The information disclosure statement filed 11/28/05 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the non-patent literatures have not been submitted. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Kenny (U.S. Patent No. 5,224,529).

Kenny teaches hollowing system for a lathe having a mounting shaft (boring member) (45 & 51 held together by set screw 52) extending parallel to a longitudinal axis of the lathe and adapted to support a bade (42). Kenny also teaches a tool rest assembly (stabilization assembly) having vertical and horizontal axis and is fixed adjacent to a lathe via T-bar (46) (See Figure below and Col. 6, lines 31-69). Furthermore, Kenny teaches tool rest assembly (stabilization assembly) with an articulation assembly (T-bar 46 & 47 and solid stem (horizontal support) (48)) supporting the boring member that permits horizontal movement (Z) of the boring member about the vertical axis (V) as well as lateral movement in a horizontal direction (X). The tool articulation assembly comprises T-bar 47 (first housing) supporting the boring member and T-bar 46 (second housing) pivotally mounted to the first housing. T-bar 46 (second housing) is mounted on the solid stem (horizontal support) (48) to permit the lateral movement (X) of the boring member while preventing downward movement of the tool.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5-11 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenny (U.S. Patent No. 5,224,529), in view of Turner (U.S. Patent No. 3,981,211).

Kenny teaches hollowing system for a lathe, as set forth in the above rejection.

However, Kenny fails to teach a rotation prevention assembly engaging the articulation assembly and boring member to prevent rotation about the longitudinal axis of the boring member.

Turner teaches a tool holding apparatus (rotation prevention assembly) (30) adapted to releasably (therefore selectively permitting rotation of the boring member) lock a tool to prevent rotation (figure 2 & 3 and Abstract). Turner also teaches holding apparatus (rotation prevention assembly) (30) having supporting arm (first fitting) (34) with a cylindrical opening (54) releasably securing the mounting arm of the tool (25) (i.e. comparable to a portion of the articulation assembly of the instant application) (Col. 3, lines 40-43). Supporting arm (second fitting) (32) with a cylindrical opening (37) is mounted to the supporting arm (first fitting) (34) via the connection rod (36) and can be selectively prevented from rotating relative to the first fitting (34) by tightening socket head screws (48) (See figure 2 and Col. 2, lines 55-62). Supporting arm (second fitting) (32) releasably secures the spindle (20: which is adapted to translate forwardly and rearwardly along longitudinal axis of the lathe) (i.e. comparable to boring member of instant application) (Col. 2, lines 39-42). Furthermore, Turner teaches supporting means for selectively preventing rotation including a set screw (60) (Col. 4, lines 8-10) as well as a toggle clamp (i.e. squeeze action toggle clamp) (Col. 2, lines 67-68 & Col. 3, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the rotation prevention assembly taught by Turner on Kenny's invention such that the supporting arms (32 & 34) of Turner's invention fit onto shaft (51) and sleeve (50: articulation assembly) respectively of Kenny's invention, for the purpose holding the tool in a nonoperative position thus permitting the holder to remain in assembled relation during periods of non-use to avoid repeated assembly and disassembly operations ('211, Col. 1, lines 55-67). It should also be noted that workpiece (28) of Kennedy's rotates therefore the cutting function (hollowing) could still occur in conjunction with the fact that Turner has a key (44) that allows longitudinal movement (even if rotation is prevented).

Response to Arguments

5. In response to Applicant's argument (page 8, last line through page 9 line 3) that "...Kennedy does not include any manner of restraining downward movement of the tool, other than that initiated by the user. The solid stem 48 of Kennedy is simply inserted into the sleeve portion 50 of the first T-bar 46 and is freely rotatable therein", Examiner points out that even though (48) rotates T-bar (46) restrains the tool from moving downward note: rotational movement and downward movement are different from each other).

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6. In response to Applicant's argument (page 10, last line) that the prior art must suggest the desirability of the claimed invention, Examiner respectfully points out the reason for the combination came from the prior art (i.e. '211, Col. 1, lines 55-67).
7. In response to Applicant's argument (page 11, lines 7-9) that preventing rotary movement in the universal joint to rest would appear to destroy the main purpose of Kennedy, Examiner points out that workpiece (28) rotates therefore the cutting function (hollowing) could still occur in conjunction with the fact that Turner has a key (44) that allows longitudinal movement (even if rotation is prevented).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SA
4/3/06


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SUPERVISORY PATENT EXAMINER